

Notice of Allowability

Application No.

10/633,249

Applicant(s)

OUIMET, KENNETH J.

Examiner

Art Unit

Igor N. Borissov

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment - After Non-Final Rejection 03/19/2007.
2. ☒ The allowed claim(s) is/are 1, 3-7.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Response to Amendment

Amendment received on 03/19/2007 is acknowledged and entered. Claims 2 and 8-9 have previously been canceled. Claims 1 and 3-7 are currently pending in the application.

Response to Arguments

Applicant's arguments with respect to claims 1 and 3-7 have been fully considered and are persuasive. The Claim Rejections under 35 USC § 103 have been withdrawn.

Allowable Subject Matter

Claims 1 and 3-7 are allowed.

The following is an examiner's statement of reasons for allowance:

As per independent claim 1, the best prior art, Teran et al. (US 5,521,814), teaches a computer-implemented process optimization and control system configured to perform: selecting said primary goal of said enterprise planning model from a plurality of primary goals; representing said primary goal by a primary objective function being affected by a set of operational variables, each of said operational variables representing an operational decision that a user seeks to optimize in order to reach said primary goal; representing said strategic constraint by a constraint function being affected by a subset of said operational variables, and said strategic constraint being a factor that said user seeks to analyze in conjunction with said primary goal; constructing an effective objective function (optimizing the model by inputted values); optimizing said effective objective function with respect to said operational variables over a range of values of said weighting factor for said constraint function to obtain operational decisions for said operational variables; determining, from said optimizing operation, a

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plurality of outcomes of said primary objective function in response to said range of weighting factors; and presenting results in a graphical form.

However, Teran et al. fails to teach or fairly suggest that said constructing an effective objective function includes subtracting said constraint function weighted by a weighting factor from said primary objective function. While Maruyama et al. (US 5,267,346) does teach this feature, there is no motivation to combine the references.

The best foreign art, Ouimet (WO 98/53416), while teaching controlled optimization techniques for planning models of an enterprise, fails to teach or fairly suggest that constructing an effective objective function includes subtracting said constraint function weighted by a weighting factor from said primary objective function in combination with the recited inventive features.

The best NPL prior art, Weaver (WILL UTILITIES SCRUB NOW AND PROFIT LATER? Dialog, File 636; 01398136), while generally addressing needs for optimizing performances of an industrial enterprise, fails to teach or fairly suggest that constructing an effective objective function includes subtracting said constraint function weighted by a weighting factor from said primary objective function in combination with the recited inventive features.

The remaining dependent claims are considered allowable, as they are dependent and based on an allowable independent claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reason for Allowance".

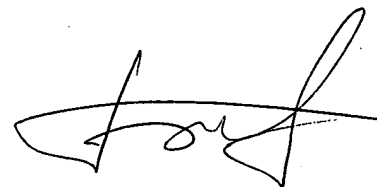
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IB

9/11/2007



IGOR N. BORISSOV
PRIMARY EXAMINER